

By

Weddington

H. B. No. 676

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that, in order to safeguard the public health, safety, and welfare and to protect the public from unprofessional conduct by speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech Pathologist" means an individual who practices speech pathology, who evaluates, examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person "represents himself to be a speech pathologist" when he holds himself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy," "speech therapist," "speech

1 correction," "speech correctionist," "speech and hearing therapy,"  
2 "speech and hearing therapist," "speech and hearing specialist,"  
3 "speech and hearing clinician," "language therapy," "language  
4 therapist," "voice pathology," "voice pathologist," "voice  
5 therapy," "voice therapist," "logopedics," "logopedist,"  
6 "communicology," "communicologist," "aphasiologist," "phoniatrist,"  
7 "speech clinician," "speech clinic," "speech center," or similar or  
8 related term or terms, titles, or description of services.

9 (4) "The practice of speech pathology" means the application  
10 of principles, methods, and procedures for the measurement,  
11 testing, evaluation, prediction, counseling, habilitation,  
12 rehabilitation, or instruction related to the development and  
13 disorders of speech, voice, or language for the purpose of  
14 rendering or offering to render an evaluation, prevention, or  
15 modification of these disorders and conditions in individuals or  
16 groups of individuals. The speech pathologist may perform the  
17 basic audiometric screening tests and hearing therapy procedures  
18 consistent with his training.

19 (5) (A) "Audiologist" means a person who practices  
20 audiology, who evaluates, examines, counsels, or provides  
21 habilitative or rehabilitative services for persons who have or are  
22 suspected of having a hearing disorder and who meets the  
23 qualifications set forth in this Act.

24 (B) A person "represents himself to be an audiologist" when  
25 he holds himself out to the public by any title or description of  
26 services incorporating the terms "audiology," "audiologist,"  
27 "audiometry," "audiometrist," "otometry," "otometrist," "hearing

1 therapy," "hearing therapist," "hearing clinician," "hearing  
2 clinic," "hearing center," "audiological," "audiometrics," or  
3 similar or related terms, titles, or description of services.

4 (6) "The practice of audiology" means the application of  
5 principles, methods, and procedures for the measurement, testing,  
6 appraisal, prediction, consultation, counseling, habilitation,  
7 rehabilitation, or instruction related to hearing and disorders of  
8 hearing for the purpose of rendering or offering to render services  
9 modifying communicative disorders involving speech, language,  
10 auditory function, or other aberrant behavior relating to hearing  
11 loss. An audiologist may engage in any tasks, procedures, acts, or  
12 practices that are necessary (1) for the evaluation of hearing or  
13 (2) for training in the use of amplification including hearing  
14 aids. An audiologist may participate in consultation regarding  
15 noise control and hearing conservation, may provide evaluations of  
16 environment or equipment including calibration of equipment used in  
17 testing auditory functioning and hearing conservation, and may  
18 perform the basic speech and language screening tests and  
19 procedures consistent with his training.

20 (7) "Speech pathology aide" means a person who meets minimum  
21 qualifications which the committee may establish for speech  
22 pathology aides and who works under the direction of a licensed  
23 speech pathologist. The qualifications for licensure as a speech  
24 pathology aide shall be uniform and shall be less than those  
25 established by this Act as necessary for licensure as a speech  
26 pathologist.

27 (8) "Audiology aide" means a person who meets minimum

1 qualifications which the committee may establish for audiology  
2 aides and who works under the direction of a licensed audiologist.  
3 The qualifications for licensure as an audiology aide shall be  
4 uniform and shall be less than those established by this Act as  
5 necessary for licensure as an audiologist.

6       Sec. 3. ADMINISTRATION. (a) The State Committee of  
7 Examiners for Speech Pathology and Audiology is created within the  
8 Texas Department of Health Resources. The committee consists of  
9 nine members, appointed by the governor, to take office on the  
10 effective date of this Act. Members of the committee shall have  
11 been residents of the State of Texas for two years immediately  
12 preceding appointment and shall be representative of varying  
13 geographic regions of the state and from varying employment  
14 settings. Seven members shall have been engaged in rendering  
15 services, teaching, or research in speech pathology or audiology  
16 for at least five years and shall meet the qualifications for  
17 licensure under Section 10 of this Act. Of these seven members,  
18 three members shall be audiologists, three members shall be speech  
19 pathologists, and one member shall be either a speech pathologist  
20 or audiologist. Except for the initial appointees, all seven shall  
21 hold valid licenses under this law. Two shall be public members,  
22 one of whom is a licensed physician board-certified in  
23 otolaryngology or pediatrics; the remaining public member, an  
24 interested citizen, may not be a licensee of the committee or of  
25 any board under this division. The members of the committee shall  
26 serve until the expiration of the term to which they have been  
27 appointed or until their successors have qualified.

1           (b) The initial appointments shall be determined by lot as  
2 follows: three members are appointed for terms which expire  
3 January 31, 1979; three members are appointed for terms which  
4 expire January 31, 1981, and three members are appointed for terms  
5 which expire January 31, 1983. After the initial appointments  
6 members are appointed for terms of six years expiring on January 31  
7 of odd-numbered years.

8           (c) The committee shall organize annually and select a  
9 chairman who, except for the initial chairman, shall hold a valid  
10 license under this Act, a vice-chairman, and a secretary-treasurer.  
11 The initial chairman shall be a person who meets the qualifications  
12 for licensing under this Act.

13           (d) Five members of the committee constitute a quorum to do  
14 business.

15           (e) No person may be appointed to serve more than two  
16 consecutive terms.

17           (f) The committee shall hold at least one regular meeting  
18 each year at which time an examination, as defined in Section 12 of  
19 this Act, shall be offered. Additional meetings may be held on the  
20 call of the chairman or at the written request of any three members  
21 of the committee. At least 14 days' advance notice of committee  
22 meetings is required.

23           Sec. 4. DUTIES AND POWERS. (a) The committee shall  
24 administer, coordinate, and enforce the provisions of this Act,  
25 evaluate the qualifications of applicants, and supervise the  
26 examination of applicants. The committee may issue subpoenas,  
27 examine witnesses, and administer oaths under the state laws of

1 Texas, and it shall investigate persons engaging in practices that  
2 violate the provisions of this Act.

3 (b) The committee shall conduct hearings and keep records  
4 and minutes necessary to an orderly dispatch of the administration  
5 of this Act.

6 (c) The committee shall adopt reasonable rules commensurate  
7 with the provisions of this Act, including rules that establish  
8 ethical standards of practice, and the committee may amend or  
9 repeal the rules adopted by it, subject to the approval of the  
10 Director of Health Resources.

11 (d) A person who holds a license to practice speech  
12 pathology or audiology in this state is governed and controlled by  
13 the rules adopted by the committee and approved by the Director of  
14 Health Resources.

15 (e) The conferral or enumeration of specific powers  
16 elsewhere in this Act shall not be construed as a limitation of the  
17 general powers conferred by this section.

18 (f) The committee shall be represented by the attorney  
19 general and the district and county attorneys of this state.

20 (g) Officers and employees directly responsible for handling  
21 money paid to the committee shall execute a performance bond as  
22 required by the committee. The premium for the bond shall be paid  
23 from committee funds.

24 (h) The committee may appoint subcommittees to work under  
25 its jurisdiction, subject to the approval of the Director of Health  
26 Resources.

27 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

1 (a) The committee members receive no compensation for their  
2 services, but they may receive reimbursement for actual expenses  
3 incurred in the administration of this Act.

4 (b) All expenses incurred by the committee in the  
5 administration of the provisions of this Act shall be paid by  
6 warrants drawn on the state treasury by the comptroller when  
7 vouchers for expenses approved by the committee are submitted to  
8 the comptroller.

9 Sec. 6. EMPLOYEES OF THE COMMITTEE. The Texas Department of  
10 Health Resources shall provide such administrative and clerical  
11 employees as are necessary to carry out the provisions of this Act,  
12 with such employees being under the supervision and control of the  
13 committee.

14 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee  
15 shall adopt a seal by which it shall authenticate its proceedings.  
16 Copies of the proceedings, records, and acts of the committee, and  
17 certificates purporting to relate the facts concerning the  
18 proceedings, records, and acts, signed by the secretary-treasurer  
19 and authenticated by the seal, are prima facie evidence in all  
20 courts of this state.

21 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND  
22 AUDIOLOGISTS. (a) Licenses shall be granted either in speech  
23 pathology or audiology independently. A person may be licensed in  
24 both areas if he meets the qualifications.

25 (b) No person may practice or represent himself as a speech  
26 pathologist or audiologist in this state after December 31, 1977,  
27 unless he is licensed in accordance with the provisions of this

1 Act.

2 (c) Any violation of this subsection shall constitute a  
3 deceptive trade practice.

4 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act  
5 does not prevent a qualified person licensed in this state under  
6 another law from engaging in the profession for which he is  
7 licensed if he does not hold himself out to be a speech pathologist  
8 or audiologist.

9 (b) This Act does not prevent or restrict the activities and  
10 services and the use of an official title by a person holding a  
11 valid and current certification in speech and hearing therapy from  
12 the Texas Education Agency if the person performs speech pathology  
13 or audiology services solely as a part of his duties within an  
14 agency, institution, or organization under the jurisdiction of the  
15 Texas Education Agency. If a person affected by this subsection  
16 performs work as a speech pathologist or audiologist apart from his  
17 position within an agency, institution, or organization of the  
18 Texas Education Agency, he must have a license issued by the  
19 committee.

20 (c) This Act does not restrict the activities and services  
21 of a student or intern pursuing a course of study leading to a  
22 degree in speech pathology at a college or university accredited by  
23 the Southern Association of Colleges and Universities or its  
24 equivalent, provided that these activities and services constitute  
25 a part of his supervised course of study or internship year, that  
26 he is supervised by a person licensed under this Act, and that he  
27 is designated by a title such as "Speech Pathology Intern" or



1 "Speech Pathology Trainee," or other title clearly indicating the  
2 training status appropriate to his level of training.

3 (d) This Act does not restrict activities and services of a  
4 student or intern in audiology pursuing a course of study leading  
5 to a degree in audiology at a college or university accredited by  
6 the Southern Association of Colleges and Universities or its  
7 equivalent, provided that these activities and services constitute  
8 a part of his supervised course of study or internship year, that  
9 he is supervised by a person licensed under this Act, and that he  
10 is designated by a title such as "Audiology Intern" or "Audiology  
11 Trainee," or other title clearly indicating the training status  
12 appropriate to his level of training.

13 (e) This Act does not restrict the performance of speech  
14 pathology or audiology services in this state by a person not a  
15 resident of this state who is not licensed under this Act if the  
16 services are performed for no more than five days in a calendar  
17 year and if the person meets the qualifications and requirements  
18 for application for licensure under this Act.

19 (f) This Act does not restrict the use of an official title  
20 by an individual teaching in a university or college training  
21 program, provided that the person is not engaged in the practice of  
22 speech pathology or audiology and does not supervise persons  
23 engaged in the practice of speech pathology or audiology.

24 (g) This Act does not permit a person to perform an act that  
25 would be in violation of Article 4510, Revised Civil Statutes of  
26 Texas, 1925, as amended. This Act does not permit a person to  
27 provide medical or surgical diagnosis or treatment of laryngeal or

1 ear disorders.

2 (h) This Act does not prevent or restrict a physician or  
3 surgeon from engaging in the practice of medicine in this state.  
4 This Act does not restrict speech or hearing testing or evaluation  
5 conducted by licensed physicians and surgeons or by persons  
6 conducting the tests under the direct supervision of and in the  
7 office of a physician or surgeon.

8 (i) This Act does not apply to a person employed by the  
9 Texas Department of Health Resources in its programs concerned with  
10 hearing or speech services as long as he is performing duties under  
11 the jurisdiction of the Texas Department of Health Resources.

12 (j) This Act does not apply to a person who shows evidence  
13 of having received training by the Texas Department of Health  
14 Resources in one of the hearing screening training programs  
15 approved by that agency, provided that all activities performed  
16 under this exception shall be limited to screening of hearing  
17 sensitivity.

18 (k) This Act does not license a person to sell hearing aids,  
19 as defined in Chapter 366, Acts of the 61st Legislature, Regular  
20 Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes),  
21 unless the person has been issued a license to engage in the  
22 selling of hearing aids by the Texas Board of Examiners in the  
23 Fitting and Dispensing of Hearing Aids.

24 (l) This Act does not prevent or restrict a person licensed  
25 by the Texas Board of Examiners in the Fitting and Dispensing of  
26 Hearing Aids from engaging in the practice of fitting and  
27 dispensing hearing aids, as defined in Chapter 366, Acts of the

1 61st Legislature, Regular Session, 1969 (Article 4566-1.01,  
2 Vernon's Texas Civil Statutes).

3 (m) This Act does not prevent persons in an industrial  
4 setting from engaging in hearing testing as a part of a hearing  
5 conservation program in compliance with regulations of the  
6 Occupational Safety and Health Administration, provided that such  
7 persons are certified by an agency acceptable to the Occupational  
8 Safety and Health Administration.

9 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE. (a) To  
10 be eligible for licensing as a speech pathologist or audiologist,  
11 an applicant must:

12 (1) be of good moral character;

13 (2) possess at least a master's degree from an accredited or  
14 approved college or university;

15 (3) submit transcripts from one or more colleges or  
16 universities showing that a total of 60 semester hours of academic  
17 credit have been successfully completed and that the applicant has  
18 obtained no less than the following:

19 (A) twelve semester hours in courses which provide  
20 information that pertains to normal development and use of speech,  
21 language, and hearing;

22 (B) thirty semester hours in courses that provide  
23 information about and training in evaluation and management of  
24 speech, language, and hearing disorders, at least 24 of which are  
25 in courses in the professional area for which the license is  
26 requested, and at least 6 semester hours in audiology for the  
27 license in speech pathology or in speech pathology for the license

1 in audiology, and no more than 6 semester hours in courses that  
2 provide credit for clinical practice obtained during academic  
3 training;

4 (C) credit for study of information pertaining to related  
5 fields that augment the work of the clinical practitioner of speech  
6 pathology or audiology sufficient to bring the applicant's total  
7 credit up to 60 hours; and

8 (D) thirty semester hours in courses that are acceptable  
9 toward a graduate degree by the college or university in which they  
10 are taken, 21 of which are within the 24 semester hours required in  
11 the professional area for which the license is requested or within  
12 the 6 semester hours required in the other professional area  
13 regulated by this Act;

14 (4) have completed a minimum of 300 clock hours of  
15 supervised clinical experience with individuals who present a  
16 variety of communication disorders, and this experience must have  
17 been obtained within his training institution or in one of its  
18 cooperating programs;

19 (5) have obtained the equivalent of nine months of full-time  
20 supervised professional experience in which bona fide clinical work  
21 has been accomplished in the major professional area for which the  
22 license is being sought, under the supervision of a qualified  
23 person acceptable to the committee, and must have begun after  
24 completion of the academic and clinical experiences required by  
25 this section.

26 (b) The committee may make reasonable changes in the  
27 qualifications required for applicants. A change made by the

1 committee pursuant to the authority of this subsection is not  
2 effective until it has been published by the committee as a  
3 proposed change for at least two years.

4       Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
5 license under this Act shall make application to the committee on a  
6 form and in the manner the committee prescribes. The application  
7 shall be accompanied by the application fee, which may not be  
8 refunded by the committee.

9       Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
10 by the committee and shall pay to the committee, at least 30 days  
11 prior to the date of examination, an examination fee prescribed by  
12 the committee, which is not refunded. The examination shall be  
13 given at least twice each year at a time and place established by  
14 and under the supervision of the committee.

15       (b) The committee may examine by written or oral examination  
16 or by both. The committee shall maintain a record of all  
17 examination scores for at least two years after the date of  
18 examination.

19       (c) Standards for acceptable performance shall be determined  
20 by the committee.

21       (d) The committee may examine in whatever theoretical or  
22 applied fields in speech pathology or audiology it deems  
23 appropriate. It may examine the candidate with regard to his  
24 professional skills and his judgment in the utilization of speech  
25 pathology or audiology techniques or methods.

26       (e) A person who fails the examination may be examined at a  
27 subsequent time if he pays another application and examination fee.

1 No applicant who has taken and failed to pass two examinations may  
2 take the examination until that person has presented evidence to  
3 the committee of additional study in the area for which licensure  
4 is sought.

5 (f) The committee may waive the examination for applicants  
6 who:

7 (1) present proof of current licensure in another state,  
8 including the District of Columbia, or territory of the United  
9 States which maintains professional standards considered by the  
10 committee to be equivalent to those set forth in this Act; or

11 (2) hold the Certificate of Clinical Competence of the  
12 American Speech and Hearing Association in the area for which a  
13 license is being sought.

14 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The  
15 committee, on request, shall waive educational, professional  
16 experience, and examination requirements for licensure in speech  
17 pathology for applicants who hold a baccalaureate or graduate  
18 degree, are fully certified by the Texas Education Agency in speech  
19 and hearing therapy or in the judgment of the committee have met  
20 equivalent requirements, and within one year prior to the effective  
21 date of this Act were engaged in the practice of speech pathology  
22 on proof of bona fide practice of speech pathology, presented to  
23 the committee in the manner prescribed by the committee's rules,  
24 provided they file an application for licensure within 90 days from  
25 the effective date of this Act. Such licenses shall be renewed in  
26 the same manner as licenses granted under other provisions of this  
27 Act.

1           (b) The committee, on request, shall waive educational,  
2 professional experience, and examination requirements for licensure  
3 in audiology for applicants who, on the effective date of this Act,  
4 hold a baccalaureate or graduate degree and have successfully  
5 completed 21 semester hours of course work in audiology, and are  
6 engaged in the practice of audiology on proof of bona fide practice  
7 of audiology presented to the committee in the manner prescribed by  
8 the committee's rules, provided they file an application for  
9 licensure within 90 days from the effective date of this Act.

10           (c) The committee may waive the examination and grant  
11 licensure to an applicant who presents proof of current licensure  
12 in another state, including the District of Columbia, or territory  
13 of the United States which maintains professional standards  
14 considered by the committee to be equivalent to those set forth in  
15 this Act.

16           (d) The committee may waive the examination and grant  
17 licensure to an applicant who holds the Certificate of Clinical  
18 Competence of the American Speech and Hearing Association or has  
19 met equivalent requirements in the area for which a license is  
20 sought.

21           Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall  
22 issue a license to an applicant who meets the requirements of this  
23 Act and who pays to the committee the initial license fee.

24           (b) A temporary certificate of registration may be applied  
25 for by a person who fulfills the requirements of Section 10 of this  
26 Act and who has not previously applied to take the examination  
27 provided under Section 12 of this Act.

1           (c) On receiving an application provided for under  
2 Subsection (b) of this section accompanied by the application fee,  
3 the committee shall issue a temporary certificate of registration  
4 which entitles the applicant to practice audiology or speech  
5 pathology for a period ending eight weeks after the conclusion of  
6 the next examination given after the date of issue.

7           Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech  
8 pathologist or audiologist shall annually on or before January 30  
9 pay to the committee a fee for a renewal of his license. A 30-day  
10 grace period shall be allowed after January 30. After expiration  
11 of the grace period, the committee may renew each license after  
12 payment of a penalty set by the committee. No person who applies  
13 for renewal within two years after the date of expiration of the  
14 license, may be required to submit to an examination as a condition  
15 to renewal.

16           (b) A person who fails to renew his license within two years  
17 after the date of its expiration may not renew it, and it may not  
18 be restored, reissued, or reinstated thereafter, but that person  
19 may apply for and obtain a new license if he meets the requirements  
20 of this Act.

21           (c) Within three years of the effective date of this Act,  
22 renewal of a license is contingent on the applicant's meeting  
23 uniform continuing education requirements established by the  
24 committee. These continuing education requirements must be of such  
25 a nature that they can be met without necessitating an extended  
26 absence from the licensee's county of residence. Notice of  
27 continuing education requirements shall be sent to all persons



1 licensed under this Act at least 12 months prior to the time that  
2 the person's license renewal is dependent on completion of the  
3 requirements. Continuing education requirements shall be sent to  
4 new applicants with the forms on which they are to apply for  
5 licensure. Notification of changes in continuing education  
6 requirements shall be sent to persons licensed under this Act at  
7 least one year prior to the date on which the new requirements  
8 become effective.

9 (d) A suspended license is subject to expiration and may be  
10 renewed as provided in this Act, but the renewal does not entitle  
11 the licensee, while the license remains suspended and until it is  
12 reinstated, to engage in the licensed activity or in any other  
13 activity or conduct in violation of the order or judgment by which  
14 the license was suspended. A license revoked on disciplinary  
15 grounds is subject to expiration as provided in this Act, but it  
16 may not be renewed. If it is reinstated after its expiration, the  
17 licensee, as a condition of reinstatement, shall pay a  
18 reinstatement fee in an amount equal to the renewal fee in effect  
19 on the last preceding regular renewal date before the date on which  
20 it is reinstated, plus the delinquency fee, if any, accrued at the  
21 time of the license revocation.

22 (e) All licenses expire and become invalid one year from the  
23 date of issuance if not renewed.

24 Sec. 16. FEES. The amount of fees initially prescribed in  
25 connection with a license as a speech pathologist or audiologist  
26 shall not exceed the following:

27 (1) Application fee: \$50

- 1           (2) Examination fee: \$25
- 2           (3) Initial license fee: \$50
- 3           (4) License renewal fee: \$50
- 4           (5) Delinquency fee: \$25
- 5           (6) Temporary license fee: \$15
- 6           (7) Duplicate license fee: \$10

7       The committee shall adjust the amount of the fees so that the total  
8       fees collected will be sufficient to meet the expenses of  
9       administering this Act and so that unnecessary surpluses in the  
10      fund provided for in Section 20 of this Act are avoided.

11       Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The  
12      committee may refuse to issue a license to an applicant or may  
13      suspend or revoke the license of any licensee for any of the  
14      following causes:

- 15           (1) obtaining a license by means of fraud,  
16      misrepresentation, or concealment of material facts;
- 17           (2) selling, bartering, or offering to sell or barter a  
18      license or certificate of registration;
- 19           (3) unprofessional conduct that has endangered or is likely  
20      to endanger the health, welfare, or safety of the public, as  
21      defined by the rules established by the committee, or violation of  
22      the code of ethics adopted and published by the committee;
- 23           (4) violating any lawful order or rule rendered or adopted  
24      by the committee; or
- 25           (5) violating any provisions of this Act.

26       (b) The committee shall deny an application for, or suspend  
27      or revoke, or impose probationary conditions on, a license as

1 ordered by the committee in any decision made after hearing as  
2 provided in this Act. One year from the date of revocation of a  
3 license under this Act, application may be made to the committee  
4 for reinstatement. The committee shall have discretion to accept  
5 or reject an application for reinstatement and may require an  
6 examination for the reinstatement.

7 (c) A plea or verdict of guilty or a conviction following a  
8 plea of nolo contendere made to a charge of a felony or of an  
9 offense involving moral turpitude is deemed to be a conviction  
10 within the meaning of this Act. At the direction of the committee,  
11 the license may be suspended or revoked, or the committee may  
12 decline to issue a license when the time for appeal of the  
13 conviction has elapsed or the judgment or conviction has been  
14 affirmed on appeal, or when an order granting probation is made  
15 suspending the imposition of sentence irrespective of a subsequent  
16 order allowing a person to withdraw his plea of guilty, or setting  
17 aside the verdict of guilty, or dismissing the information or  
18 indictment.

19 Sec. 18. PENALTIES. (a) A person who violates any of the  
20 provisions of this Act is guilty of a misdemeanor and on conviction  
21 may be punished by confinement in the county jail not exceeding six  
22 months, or by a fine not exceeding \$1,000, or by both.

23 (b) If a person other than a licensed speech pathologist or  
24 audiologist has engaged in any act or practice which constitutes an  
25 offense under this Act, a district court of any county, on  
26 application of the committee, may issue an injunction or other  
27 appropriate order restraining such conduct.

1           Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
2 A LICENSE. (a) A person whose application for a license is denied  
3 is entitled to a hearing before the committee if he submits a  
4 written request to the committee.

5           (b) Proceedings for revocation or suspension of a license  
6 shall be commenced by filing charges with the committee in writing  
7 and under oath. The charges may be made by any person or persons.

8           (c) The chairman of the committee shall fix a time and place  
9 for a hearing and shall cause a written copy of the charges or  
10 reason for denial of a license, together with a notice of the time  
11 and place fixed for the hearing, to be served on the applicant  
12 requesting the hearing or the licensee against whom the charges  
13 have been filed at least 20 days prior to the date set for the  
14 hearing. Service of charges and notice of hearing may be given by  
15 certified mail to the last known address of the licensee or  
16 applicant.

17           (d) At the hearing the applicant or licensee has the right  
18 to appear either personally or by counsel, or both, to produce  
19 witnesses, to have subpoenas issued by the committee, and to  
20 cross-examine opposing or adverse witnesses.

21           (e) The committee shall determine the charges on their  
22 merits and enter an order in a permanent record setting forth the  
23 findings of fact and law and the action taken. A copy of the order  
24 of the committee shall be mailed to the applicant or licensee at  
25 his last known address by certified mail.

26           (f) An individual whose application for a license has been  
27 refused or whose license has been cancelled, revoked, or suspended

1 by the committee may take an appeal, within 20 days after the order  
2 is entered, to any district court of Travis County or to any  
3 district court of the county of his residence.

4 (g) A case reviewed under the provisions of this section  
5 proceeds in the district court by trial de novo in the same manner  
6 as an appeal to the county court from the justice of the peace  
7 court.

8 (h) In all appeals prosecuted in any of the courts of this  
9 state pursuant to the provisions of this Act, such trials shall be  
10 de novo as that term is used and understood in appeals from justice  
11 of the peace courts to county courts. Under no circumstances shall  
12 the substantial evidence rule as interpreted and applied by the  
13 courts in Texas in other cases ever be used or applied to appeals  
14 prosecuted under the provisions of this Act.

15 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds  
16 received by the committee under this Act shall be paid to the  
17 secretary-treasurer of the committee. All money shall be deposited  
18 in the state treasury in a separate fund to be known as the speech  
19 pathology and audiology fund.

20 (b) All expenses for the administration of the Act shall be  
21 paid from fees collected by the committee under this Act, and fees  
22 paid to the speech pathology and audiology fund are allocated to  
23 the committee for that purpose.

24 (c) Funds shall be appropriated to the committee for the  
25 implementation of this Act, said funds coming from the general  
26 revenue fund for the first year.

27 Sec. 21. REVENUE. The committee shall report to the state

1 comptroller at the beginning of each month the amount and source of  
2 all revenue received by it during the preceding month, and at that  
3 time shall pay the entire amount thereof into the speech pathology  
4 and audiology fund.

5 Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The  
6 provisions of Chapter 95, Acts of the 51st Legislature, Regular  
7 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil  
8 Statutes), do not apply to audiologists or speech pathologists duly  
9 qualified and licensed under this Act who confine their activity to  
10 the areas specified in this Act.

11 Sec. 23. SUNSET PROVISION. Unless reenacted, the provisions  
12 of this Act shall be without effect after August 31, 1987.

13 Sec. 24. EFFECTIVE DATE. This Act is effective September 1,  
14 1977.

15 Sec. 25. EMERGENCY. The importance of this legislation and  
16 the crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended.

H. B. No. 676

By Weddington

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

JAN 24 1977

1. Filed with the Chief Clerk.

JAN 25 1977

2. Read first time and Referred to Committee on Health & Welfare

3. Reported favorably (as amended) and sent to Printer at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

4. Printed, distributed and sent to the Committee on Calendars at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

5. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

6. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

7. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

8. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

9. Caption ordered amended to conform to body of bill.

10. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-record) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

11. Ordered Engrossed at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

12. Engrossed.

13. Returned to Chief Clerk at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

14. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

15. Received from the House \_\_\_\_\_

16. Read, referred to Committee on \_\_\_\_\_

17. Reported favorably \_\_\_\_\_

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 21. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 22. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments).

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)